IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 399 OF 2006
WITH
CIVIL APPLICATION NO. 485 OF 2006
IN
A.O. NO 399/ 2006
IN
SPECIAL CIVIL SUIT NO. 124 OF 2004

M/s. Vishrut Infotech Pvt.Ltd.& Anr. .. Appellants.

V/s.

Shri Mushtak Ahmed Mohammed Ibrahim Patel & Ors. .. Respondents.

Mr.A.K.Abhyankar i/by Akhilesh S. Dubey for the Appellants.

Mr.Rajiv Patil for the Respondent Nos. 2 & 3.

Mr. Pramod N. Patil for the Respondent Nos. 10 & 12.

CORAM : S. A. BOBDE, J.

DATED : 03rd JULY, 2007.

P.C. :-

. Heard.

2. Admit. Taken up for final disposal with consent of the parties.

3. This Appeal is preferred by the original plaintiffs against the order dated 05th of May, 2006, by which it is held that the plaintiffs have failed to make out a prima facie case and the grant of injunction would cause irreparable loss to the defendants. The

plaintiffs have, therefore, preferred civil application, bearing number 485/2006. On 24th April, 2007, this court has granted an interim order in terms of prayer clause (b) of the application which reads as follows :

> "b) Pending the hearing and final disposal of this application, the applicants are entitled to an order and injunction of this Hon'ble Court, restraining the respondents their servants and agents and person/persons claiming through him from creating any third party rights, titles or interest of any nature whatsoever in respect of the suit plots being Plot Nos. 16,17 & 19 at Sector-35E, Owe, Kharghar admeasuring an area of 4900.05 sq.mtrs. lying being and situate at Sector-35E, Owe, Navi Mumbai and from disturbing the possession of the Applicants No.1 in respect of the said plots."

4. I have heard the matter for some time and it appears that the matter would require deeper consideration. Instead, on the other hand, it appears that it might secure the interest of justice better if the suit itself is directed to be disposed of by the trial court within a period of six months. There shall be the order accordingly.

5. As regards the status, pending the decision of the suit, it would be appropriate in the interest of justice to direct both the parties to maintain status-quo pending the suit.

6. The appeal with civil application is disposed of

accordingly.

(S.A.BOBDE,J.)